



Regulatory Advisory

August 2008



TRU Advisory: 08-09

No Low-Use Exemption and Non-Operational TRUs

The purpose of this advisory is to explain that there is no low-use exemption to complying with the Transport Refrigeration Unit (TRU) Airborne Toxic Control Measure's (ATCM) in-use performance standards and other requirements. This advisory also explains how a TRU owner may disable a trailer TRU to make it nonoperational and convert the trailer to haul dry goods, or use a nonoperational TRU-equipped truck or trailer for dry storage without removing the TRU.

Background

On February 26, 2004, the California Air Resources Board (ARB or Board) adopted the **Transport Refrigeration Unit (TRU) Airborne Toxic Control Measure (ATCM)**. The rulemaking became effective December 10, 2004, and was codified under title 13 California Code of Regulations (CCR), section 2477. The TRU ATCM requires all TRUs and TRU generator sets that operate in California, regardless of where they are based (including out-of-state and out-of-country), to meet in-use performance standards that are phased in beginning December 31, 2008, for model year 2001 and older units. Then, 2002 and subsequent model year units must comply by the end of the seventh year after the model year (e.g. December 31, 2009 for model year 2002). All TRUs and TRU gensets must eventually meet the most stringent in-use standard (at least 85 percent PM reductions or 0.02 grams per horsepower-hour). Also, owners of California-based TRUs and TRU gensets must apply for ARB Identification Numbers (IDN) by January 31, 2009. And, operators of California-based TRUs must submit Operator Reports by January 31, 2009. If there are changes to the information submitted with the IDN application or Operator Report, revisions must be submitted to ARB within 30 days of these changes.

What Are ARB's Policies?

Is there a low-use exemption?

No. The TRU ATCM does not include a low-use exemption. If TRUs are operated in California, they must meet the TRU ATCM's in-use performance standards. Also, owners of California-based TRUs in operable condition must apply for IDNs and operators must submit Operator Reports by January 31, 2009.

If I choose not to comply with the TRU ATCM, is there a way to disable the TRU to make it non-operational so that I don't have to remove it from the truck or trailer?

A trailer TRU may be rendered nonoperational by removing the TRU's fuel tank (which is typically mounted under the trailer in clear view) and battery. This provides an obvious visual indication that the TRU is non-operational and can be readily verified by an ARB inspector. This may make sense for TRU owners who prefer not to bring their units into compliance because they are no longer using them or are using or converting their trailer for dry goods hauling only.

This policy cannot be applied to truck TRUs or TRU generator sets that are still used on-road. In the case of a truck TRU, many of these draw fuel from the vehicle fuel tank, which cannot be removed, so there is no easy or reliable visual indication for the ARB inspector to observe from a distance. Therefore, noncompliant TRUs on truck vans would need to be removed if the truck will remain in service. TRU genset fuel tanks cannot be readily removed and disabling them for continued on-road use is impractical.

ARB recommends against the practice of hauling the extra weight of a nonoperational TRU because of the unnecessary operating costs (e.g. fuel consumption, tire wear, etc.) and vehicle engine emissions (e.g. diesel particulate matter, nitrogen oxide, and greenhouse gas emissions).

I have an old TRU-equipped van that is parked in my yard and only used for dry storage. Will ARB take enforcement action against me for this noncompliant TRU?

No. Old, non-operational TRUs or TRU gensets may be parked at a location in California if it is obviously nonoperational to the ARB inspector. It is not uncommon for owners to keep old, non-operational equipment in case they need a used replacement part or to use the van for stationary dry storage. ARB inspectors will look for obvious indications of non-operability and will not issue citations if they can easily make this finding. As discussed above, obvious indications of non-operability would include missing fuel tanks and batteries, but in this case may also include starters, fuel injection pumps, alternators, or other obvious and critical components that make the engine incapable of starting and running.

If I just shut down my TRU when I enter California, am I exempt from the TRU ATCM?

No. If the TRU is operational, there is no way to be sure, from an enforceability standpoint, that the TRU won't at some time be operated while it is in California. An ARB inspector will issue a citation if the TRU is capable of being started and operated and the engine does not comply with the TRU ATCM's in-use performance standards after the applicable compliance deadline.

If I cannot afford to comply with the TRU ATCM, can I just park my TRU until such time that I can afford to comply?

Yes, but you will need to disable the TRU to make it nonoperational in a way that is obvious to an ARB inspector. As discussed above, obvious indications of non-operability include removed fuel tanks, batteries, starters, fuel pumps, alternators, or other obvious and critical components that make the engine incapable of starting and running.

For more information

To obtain a copy of the regulation or other related compliance assistance documents, visit the TRU website at <http://www.arb.ca.gov/diesel/tru.htm>. Additional questions may be addressed by calling the toll-free TRU Help Line at 1-888-878-2826 (1-888-TRU-ATCM).

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 323-7053.